

23.11.2022
tkm/ct 28
sl no. 24

C.R.M. (NDPS) 1375 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Lalgola P.S case no. 483 of 2021 dated 3.7.2021 under sections 22 (c)/25A of the NDPS Act
and

Allowed

In Re : Selim Sk.

..... petitioner

Mr. Sandipan Ganguly

Mr. T Gupta

Mr. P K Karar

..... for the petitioners

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

..... for the State

Petitioner is in custody for more than 500 days. He submits no narcotic substance was recovered from his possession.

Learned lawyer for the State opposes the prayer for bail and submits large quantity of acetic anhydride and sodium carbonate anhydrous were recovered from the possession of the petitioner.

We have considered the materials on record. Neither acetic anhydride nor sodium carbonate anhydrous is narcotic or psychotropic substance. Though, acetic anhydride is a controlled substance, possession of such substance does not attract the penal provisions of NDPS Act.

In view of the aforesaid fact and protracted period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local to the satisfaction of the learned Judge, Special Court under NDPS Act, Murshidabad on condition that the petitioner shall appear before the trial court on every date

of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM (NDPS) 1375 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)